

REMARKS

Claims 1-20 remain pending in the application. Claims 1, 4-9, 11 and 14-19 have been amended. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant wishes to thank the Examiner for acknowledging Applicant's claim for foreign priority and receipt of the certified copy of the priority document.

As another matter, Applicant notes that the Examiner has not yet confirmed that the drawings filed on September 25, 2003 are acceptable. Applicant respectfully requests that the Examiner confirm the acceptability of the drawings in the next Office communication.

As a further matter, Applicant notes that the Examiner has indicated that he has not considered Japanese Laid-Open Patent Publication No. 2003-45067 or Japanese Laid-Open Patent Publication No. 2003-150598, which were cited in the Information Disclosure Statement (IDS) Applicant filed on February 11, 2004. The Examiner does not indicate why these documents have not been considered.

In the IDS filed on February 11, 2004, Applicant also cited U.S. Patent Application Publication No. 2003-0021219, which is a counterpart to Japanese Laid-Open Patent Publication No. 2003-45067, and U.S. Patent Application Publication No. 2003-0093744, which is a counterpart to Japanese Laid-Open Patent Publication No. 2003-150598. The Examiner has indicated that he has considered both of these U.S. Patent Application Publications. Applicant respectfully submits that these U.S. Patent Application

Publications serve as explanations of the relevance of the above-noted Japanese Laid-Open Patent Publications. Thus, Applicant respectfully submits that the Examiner must consider the above-noted Japanese Laid-Open Patent Publications in view of the above-noted U.S. Patent Application Publications.

Based on the above, Applicant respectfully requests that the Examiner indicate his consideration of the above-noted Japanese Laid-Open Patent Publications, by providing Applicant with a fully initialed copy of the PTO-1449 attached to the February 11, 2004 IDS. For the convenience of the Examiner, Applicant provides the Examiner with a PTO-1449 Form that contains these documents. The Examiner is respectfully requested to return a completed copy of the PTO-1449 Form to indicate the Examiner's consideration of the previously submitted material.

In the Office Action, the Examiner objected to the disclosure, asserting that the title is neither precise nor descriptive. Applicant has amended the title to "Optical Disc Drive Having a Movable Aberration Correcting Lens". Applicant respectfully submits that the amended title is precise and descriptive, and thus requests that the Examiner withdraw the objection to the disclosure.

In the Office Action, the Examiner objected to claims 1-10, asserting that it was unclear whether the optical disc recited in line 5 of claim 1 was the same disc as the optical disc recited in line 6 of claim 1. Applicant respectfully submits that the present amendment to claim 1 addresses the Examiner's concern, and thus respectfully requests that the Examiner withdraw the objection.

In the Office Action, the Examiner rejected claims 7-9 under 35 U.S.C. §112, 1st

paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserted that Applicant's specification does not disclose how the first and second deflecting members (recited in claim 7) are related to each other, how the aberration correcting member is placed in between them, or why this part is placed in between the deflecting members. Applicant respectfully disagrees.

Applicant respectfully submits that paragraphs [0044] and [0045] of Applicant's specification and Figures 3 and 4 of Applicant's drawings clearly describe a first reflection prism 135a (a first deflecting member or deflector), a second reflection prism 135c (a second deflecting member or deflector), and a movable lens 135b (an aberration correcting lens) which is disposed between the first and second reflection prisms 135a and 135c. Applicant respectfully submits that at least the above-noted portion of the specification and Figures clearly describe the features of claims 7-9, and thus requests that the Examiner withdraw the 35 U.S.C. §112, 1st paragraph rejection.

In the Office Action, the Examiner rejected claims 7-9 under 35 U.S.C. §112, 2nd paragraph rejection as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserted that the recitation "the second deflecting member deflecting the beam deflected said first deflecting member" was unclear. Applicant has amended claim 7 to recite that the second deflector deflects "the beam deflected by the first deflector". Applicant respectfully submits that this amendment addresses the Examiner's concerns,

P23960.A04

and thus, respectfully requests that the Examiner withdraw the 35 U.S.C. §112, 2nd paragraph rejection.

In the Office Action, the Examiner rejected claims 1-4, 6, 11-14 and 16 under 35 U.S.C. §102(b) as being anticipated by Yokoyama et al. (U.S. Patent No. 5,161,040). Applicant respectfully traverses the rejection for at least the following reasons.

Applicant's independent claim 1 recites an optical disc drive which includes, inter alia, an optical head including a stationary portion and a movable portion. The movable portion supports an objective lens. The optical disc drive also includes an aberration correcting lens mounted on the movable portion. The aberration correcting lens corrects an aberration caused by the objective lens by moving in a direction substantially orthogonal to a movable direction of the movable portion and in accordance with a variation of the aberration caused by the objective lens.

Applicant's independent claim 11 recites an optical head which includes, inter alia, a carriage, an objective lens supported on the carriage, and an aberration correcting lens. The aberration correcting lens corrects an aberration caused by the objective lens by moving in a direction substantially orthogonal to a movable direction of the carriage and in accordance with a variation of the aberration caused by the objective lens.

Yokoyama et al. discloses an optical head 100 which includes a movable section 102 and a stationary section 104. See Figure 11 and col. 9, lines 42-44 of Yokoyama et al. Stationary section 104 includes a laser source 56, and movable section 102 includes an objective lens 114, and a microfresnel lens 116 formed on the surface of lens 114. See Figure 11 and col. 9, lines 44-54 of Yokoyama et al. At page 3 of the

Office Action, the Examiner asserts that Yokoyama's movable section 102 corresponds to Applicant's claimed movable portion, and Yokoyama's microfresnel lens 116 corresponds to Applicant's claimed aberration correcting lens.

Applicant respectfully submit that Yokoyama et al. fails to disclose or suggest that the microfresnel lens 116 moves in a direction substantially orthogonal to a movable direction of the movable section 102. Yokoyama et al. discloses that the movable section 102 moves in a direction 109 transverse to a recording medium 119, as shown in Figure 11, but Applicant respectfully submits that Yokoyama et al. fails to disclose or suggest that the microfresnel lens 116 moves in a direction substantially orthogonal to direction 109.

Applicant further submits that Yokoyama et al. fails to disclose or suggest that microfresnel lens 116 corrects an aberration caused by objective lens 114 by moving in a direction substantially orthogonal to a movable direction of the movable portion, or by moving in accordance with a variation of the aberration caused by the objective lens. Rather, Yokoyama et al. discloses that aberration is suppressed by moving wavelength tunable laser 56 and changing the wavelength of the laser 56. See col. 10, lines 2-8 of Yokoyama et al.

Thus, Applicant respectfully submits that Yokoyama et al. fails to disclose or suggest an aberration correcting lens which corrects an aberration caused by an objective lens by moving in a direction substantially orthogonal to a movable direction of a movable portion of an optical head supporting the objective lens and in accordance with a variation of the aberration caused by the objective lens, as recited in Applicant's

independent claim 1.

Applicant respectfully submits that Yokoyama et al. also fails to disclose or suggest an aberration correcting lens which corrects an aberration caused by an objective lens by moving in a direction substantially orthogonal to a movable direction of of a carriage supporting the objective lens and in accordance with a variation of the aberration caused by the objective lens, as recited in Applicant's independent claim 11.

For at least these reasons, Applicant respectfully submits that Yokoyama et al. fails to anticipate the inventions recited in Applicant's claims 1 and 11, and thus respectfully requests that the Examiner withdraw the 35 U.S.C. §102(b) rejection and allow claims 1 and 11.

Dependent claims 2-4, 6, 12-14 and 16 are also submitted to be in condition for allowance, at least in view of their dependency on claims 1 and 11.

In the Office Action, the Examiner rejected claims 5, 10, 15 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Yokoyama et al. Applicant respectfully submits that claims 5, 10, 15 and 17-20 are also in condition for allowance for at least the reason that they depend from either claims 1 or 11.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has

P23960.A04

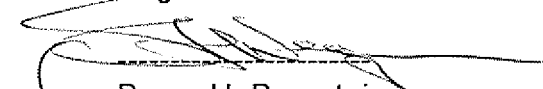
made a sincere effort to place the present invention in condition for allowance and believes that he has done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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November 21, 2006
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